

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Chaves	Team: Squad #10	CCRB Case #: 201802913	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 04/16/2018 6:55 AM	Location of Incident: § 87(2)(b) in Queens	Precinct: 106	18 Mo. SOL 10/16/2019	EO SOL 10/16/2019	
Date/Time CV Reported Mon, 04/16/2018 12:32 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/16/2018 12:32 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Thomas Bates	01067	950055	WARRSEC
2. An officer			WARRSEC
3. SDS Frank Ventura	05237	900703	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Michael Sinclair	3286	937545	WARRSEC
2. POM Daniel Pelan	05055	952099	WARRSEC
3. DT3 Joseph Mcrain	3549	949295	WARRSEC
4. DT3 Peter Rivera	2996	956207	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.POM Thomas Bates	Abuse: Police Officer Thomas Bates stopped § 87(2)(b)	
B.SDS Frank Ventura	Abuse: Sergeant Frank Ventura stopped § 87(2)(b)	
C.POM Thomas Bates	Abuse: Police Officer Thomas Bates entered § 87(2)(b)	
D.SDS Frank Ventura	Abuse: Sergeant Frank Ventura entered § 87(2)(b)	
E. An officer	Force: An officer hit § 87(2)(b) against a door.	
F. An officer	Abuse: An officer refused to provide his name to § 87(2)(b)	
G. An officer	Abuse: An officer refused to provide his shield number to § 87(2)(b)	
H. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon sexual orientation.	
I. An officer	Off. Language: An officer made remarks based to § 87(2)(b) based upon gender identity.	
J. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	

Case Summary

On April 16, 2018, § 87(2)(b) filed the following complaint with the CCRB over the phone.

At approximately 6:55 a.m. on April 16, 2018, § 87(2)(b) was walking out of the § 87(2)(b), located at § 87(2)(b) in Queens, when he was stopped by Police Officer Thomas Bates of the Queens Warrant Squad and Sergeant Frank Ventura of the Queens Warrant Squad (**Allegation A: Abuse of Authority: Stop:** § 87(2)(g) **Allegation B: Abuse of Authority: Stop:** § 87(2)(g) Sergeant Ventura and Police Officer Bates were accompanied by Detective Michael Sinclair, Detective Joseph McCrain, Detective Peter Rivera, and Police Officer Daniel Pelan of the Queens Warrant Squad, as well as two parole officers. Police Officer Bates asked § 87(2)(b) to identify himself, and the shelter supervisor, § 87(2)(b) instructed § 87(2)(b) to go to his room while he spoke to the officers. As this conversation was happening, another shelter resident, § 87(2)(b) began arguing with officers that § 87(2)(b) was not a wanted suspect.

§ 87(2)(b) walked out of the lobby of the shelter towards his room. Officers followed him out of the shelter lobby and into a residential hallway (**Allegation C: Abuse of Authority: Entry:** § 87(2)(g) **Allegation D: Abuse of Authority: Entry:** § 87(2)(g) While the officers were in the residential hallway, § 87(2)(b) attempted to enter the hallway from behind a stairwell door, and an officer allegedly slammed the door on to § 87(2)(b) foot (**Allegation E: Force: Hit Against Inanimate Object:** § 87(2)(g)). § 87(2)(b) then allegedly asked for this officer's name and shield number, but did not receive this information (**Allegation F: Abuse of Authority: Refusal to Provide Name:** § 87(2)(g), **Allegation G: Abuse of Authority: Refusal to Provide Shield Number:** § 87(2)(g)). During this interaction, an officer allegedly said "Mind your business faggot. Get out of here, homo" to § 87(2)(b) and told him to "go somewhere else with your gay ass" (**Allegation H: Offensive Language: Sexual Orientation:** § 87(2)(g), **Allegation I: Offensive Language: Gender Identity:** § 87(2)(g), **Allegation J: Discourtesy: Word:** § 87(2)(g)).

§ 87(2)(b) asked the officers to return to the shelter lobby, and they did so. § 87(2)(b) assisted the officers in locating the suspect they were looking for, who was at another homeless shelter. The officers left without arresting or summoning anyone.

Sergeant Ventura was initially assigned by the NYPD to investigate an internal OG complaint stemming from this incident. However, Sergeant Ventura was removed from this role by the NYPD when they were notified by the CCRB of his involvement in the incident itself.

The investigation obtained no video footage of this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Thomas Bates stopped § 87(2)(b)

Allegation B – Abuse of Authority: Sergeant Frank Ventura stopped § 87(2)(b)

§ 87(2)(b) provided a telephone statement on April 18, 2018 (**Board Review 01**). § 87(2)(b) was interviewed at the CCRB on April 20, 2018 (**Board Review 02**), and answered follow-up questions over the phone on June 28, 2018 (**Board Review 03**). § 87(2)(b) was interviewed at the § 87(2)(b) on July 9, 2018 (**Board Review 04**). Sergeant Ventura was interviewed on June 28, 2018 (**Board Review 05**). Police Officer Bates was interviewed on July 6, 2018 (**Board Review 06**).

It is undisputed that at approximately 7:00 a.m. on April 16, 2018, § 87(2)(b) was standing in the lobby of § 87(2)(b) near the front doors, when he was approached by officers. Police Officer Bates asked § 87(2)(b) for his name, which § 87(2)(b) provided verbally. Police Officer Bates then asked § 87(2)(b) for ID, and § 87(2)(b) told him that he had no ID because his wallet had been stolen.

In his telephone statement, § 87(2)(b) stated that he was standing at the entrance of the shelter with § 87(2)(b) when an officer (identified by the investigation as Police Officer Bates) stepped in between them and showed § 87(2)(b) a photograph. The person in the photo had a “light-skinned” complexion and a bald head, but otherwise did not resemble § 87(2)(b). Police Officer Bates said that § 87(2)(b) was the man in the photo, and § 87(2)(b) denied it.

In his sworn statement, § 87(2)(b) stated that he was standing near the front doors of the shelter when two plainclothes officers entered the lobby. § 87(2)(b) asked if it was raining out, and Police Officer Bates said that it was raining and that § 87(2)(b) might want to get an umbrella. § 87(2)(b) and Police Officer Bates began to walk away from one another. However, Police Officer Bates then turned, looked at § 87(2)(b) and asked him “What’s your name?” § 87(2)(b) said, § 87(2)(b). Police Officer Bates asked, “What room are you in?” § 87(2)(b) said “227. Why?”

Police Officer Bates said “Come back here. What’s your name? Show me ID.” § 87(2)(b) said that he did not have ID, because his wallet was stolen from inside of the shelter. § 87(2)(b) told Police Officer Bates that the shelter staff and his credit card company were aware of the theft. Police Officer Bates repeated that § 87(2)(b) had to show him ID.

§ 87(2)(b) the shelter supervisor, came around the front desk and told t Police Officer Bates “You can’t come in here harassing people. If you have a warrant, you need to show me your badge, you need to identify yourself, and you need to identify who you are looking for and then I will assist you. But you can’t harass innocent people walking in and out.”

§ 87(2)(b) stood in the reception area for approximately three minutes while Police Officer Bates spoke to other people. He then asked Police Officer Bates “I’m not

the one you want; can I go get coffee now?” § 87(2)(b) believed this made Police Officer Bates angry, as he replied by harshly demanding “Come over here, show me your ID!”

In his sworn statement, § 87(2)(b) stated that § 87(2)(b) walked out of the shelter lobby and opened the interior, locked door. As he did so, two officers (identified by the investigation as Police Officer Bates and Sergeant Ventura) entered the shelter’s exterior, unlocked door and stood in the vestibule. Police Officer Bates was holding a piece of paper in his hand. He looked at the paper, then at § 87(2)(b) and then asked § 87(2)(b) for his name. § 87(2)(b) could hear this conversation because the interior door was still open. Police Officer Bates asked § 87(2)(b) something that § 87(2)(b) could not recall, and then Police Officer Bates and § 87(2)(b) briefly stepped outside of the shelter entrance. They then came back inside, followed by approximately four more officers. § 87(2)(b) then said, “That’s not me.” This prompted § 87(2)(b) to come out of the security booth and ask what was going on. At approximately this time, § 87(2)(b) entered the lobby. § 87(2)(b) began speaking loudly towards the officers, saying things along the lines of “That’s not him,” “You can’t do that,” and “He has rights.”

Police Officer Bates stated that he was an NYPD officer with the warrant squad and he was looking for a suspect. He showed an ID to § 87(2)(b) and stated his name. § 87(2)(b) looked at the photo Police Officer Bates was carrying. When asked by the investigation whether the photo looked like § 87(2)(b) § 87(2)(b) said “When you first glance, yes... He’s got a bald head, tall, brown skin.” However, § 87(2)(b) said, after looking at the photo and § 87(2)(b) for a few moments a person would be able to tell that they are not the same individual.

After looking at the photo, § 87(2)(b) said, “That’s not him.” and told Police Officer Bates § 87(2)(b)’s name. Police Officer Bates asked if § 87(2)(b) had any ID and § 87(2)(b) said that he did not because his wallet had been stolen. § 87(2)(b) also told Police Officer Bates that § 87(2)(b)’s wallet had been stolen.

Police Officer Bates asked if § 87(2)(b) had anything with his name on it to prove he was not the suspect the officers were looking for. § 87(2)(b) said that he would use the computer to prove § 87(2)(b)’s identity, and told § 87(2)(b) to go to his room.

In his interview, Police Officer Bates stated that on the incident date he was looking for a man named § 87(2)(b) who was wanted for armed robbery. There was no warrant for him, only an I-Card for probable cause. Police Officer Bates explained that in his memo book he initially wrote “parole warrant” as this is typically the investigative document driving his team’s pursuit of a suspect. However, in this case this was a mistake and there was only the I-Card.

The I-Card did not have a photo of § 87(2)(b). However, Police Officer Bates used a different computer system and found a photo of § 87(2)(b) that was taken during his previous arrest (his most recent “mug shot”). This photo was in color and

showed § 87(2)(b) shoulders and head. Based on additional computer records, Police Officer Bates knew § 87(2)(b) age, race, height, and approximate weight.

Police Officer Bates was shown § 87(2)(b) most recent arrest photograph (the one that was taken when Police Officer Bates arrested him the day after this incident). When asked by the investigation whether this photograph accurately reflected § 87(2)(b) appearance, Police Officer Bates said that it did not. Police Officer Bates said that § 87(2)(b) facial features, particularly his eyes, were “exaggerated” in this photo compared to real life. Police Officer Bates said that the photo he had during this incident was approximately four or five years old.

While at his office on the morning of the incident, Police Officer Bates ran another computer database search that is designed to locate people who might be in a homeless shelter. Police Officer Bates emailed the § 87(2)(b) then got an email back approximately one to two hours later confirming that the suspect was a registered client of the shelter on that date. While the shelter staff’s response was based on paperwork and not a direct, in-person observation of the suspect, the paperwork in question was specific to that day. Police Officer Bates did not have information from any other sources regarding § 87(2)(b) location, such as from informants or from any parole officers. The decision to visit the shelter was based on the computer records and the shelter staff’s email.

However, the § 87(2)(b) system has five or six different locations and one main hub, and when a suspect is flagged as staying at § 87(2)(b) it is not specified at which location they are residing. Unbeknownst to Police Officer Bates, § 87(2)(b) was not at the § 87(2)(b) location on the incident date. Police Officer Bates did not know about the multiple locations until the end of this incident, when the manager of the incident shelter explained them to him.

Police Officer Bates first saw § 87(2)(b) standing immediately outside of the shelter’s exterior door. Police Officer Bates looked at the photo he had and noticed that it strongly resembled § 87(2)(b) Police Officer Bates stated this out loud to Sergeant Ventura, who agreed with him.

Police Officer Bates asked § 87(2)(b) for his name, which § 87(2)(b) provided. However, Police Officer Bates wanted to confirm this information, so he asked him if § 87(2)(b) had ID with him. § 87(2)(b) said that his wallet had been stolen and that he had made a report. After less than one minute of conversation, Police Officer Bates asked § 87(2)(b) to step inside the shelter.

In his interview, Sergeant Ventura stated that Police Officer Bates was assigned as the lead officer on an investigation into a violent felony. Police Officer Bates used a computer database to determine that the suspect in this investigation was at the § 87(2)(b) and obtained a photograph of him. Prior to going out into the field, Sergeant Ventura did not review a warrant or other associated documents for this case himself. However, prior to arriving on scene, Sergeant Ventura and the other members of his team all looked at the photograph of the suspect.

Sergeant Ventura and Police Officer Bates were the first officers to reach the shelter entrance, and the first to encounter § 87(2)(b) who was standing at the front door. Sergeant Ventura noticed § 87(2)(b) and believed that he resembled the photograph on the warrant. The two officers identified themselves by displaying their shields and IDs. § 87(2)(b) said that he was going out to get coffee.

The officers went into the shelter lobby with § 87(2)(b) and stood near the metal detector. Police Officer Bates asked § 87(2)(b) who he was, and § 87(2)(b) provided his name but did not have ID on him. Police Officer Bates asked if the shelter staff could identify him as he had no ID.

Sergeant Ventura did not observe § 87(2)(b) ask if he could leave or walk away. Police Officer Bates and § 87(2)(b) spoke for approximately five to ten minutes. During that time, Sergeant Ventura walked in and out of the shelter “a few times” to check on the status of a prisoner being monitored in the police vehicle.

The NYPD BADS arrest database lists four total arrests for § 87(2)(b). In each of his arrests, § 87(2)(b) is listed as being 5’7” (**Board Review 07**). On the I-Card that the subject officers possessed during this incident, § 87(2)(b) is again listed as 5’7” and is labeled as an individual who resists arrest (**Board Review 08**). The NYPD BADS arrest database lists four total arrests for § 87(2)(b). In each of his arrests, § 87(2)(b) is listed as being either 6’4” or 6’5” (**Board Review 09**). In their MOS pedigree sheets, filled out during their interviews, Police Officer Bates listed his height as 6’0” while Sergeant Ventura listed his height as 5’7” (**Board Review 10**).

A police officer has stopped a civilian when the officer’s actions represent a significant interruption of the civilian’s liberty of movement. A police officer may stop a civilian only when he or she possesses a reasonable suspicion, based on specific articulable facts, that a criminal activity is occurring. People v. De Bour 40 N.Y.2d 210 (1976) (**Board Review 11**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
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§ 87(2)(g) [REDACTED]
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§ 87(2)(g) [REDACTED]
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§ 87(2)(g) [REDACTED]
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Allegation C – Abuse of Authority: Police Officer Thomas Bates entered § 87(2)(b) [REDACTED] in Queens.

Allegation D – Abuse of Authority: Sergeant Frank Ventura entered § 87(2)(b) [REDACTED] in Queens.

The physical layout and access control system of the incident shelter’s entrance area is undisputed by all interviewed persons and further corroborated by the investigation’s fieldwork. Upon approaching the shelter from the outside, a visitor first

comes to an unlocked glass door. Walking through this door, a visitor stands in a small vestibule facing a second glass door. This second door is locked to outside visitors, and must be “buzzed” open by a shelter employee. Once a visitor is allowed to open the second door, they are standing in a lobby area with a large metal detector (see **Board Review 12** for photo). On the day of the incident, multiple shelter security guards were standing around this detector. In addition to these guards, § 87(2)(b) was seated inside of a security booth behind a thick, transparent window.

It is also undisputed that after officers spoke to § 87(2)(b) § 87(2)(b) approached the conversation and told officers that they needed to check in with him before questioning any shelter residents. § 87(2)(b) then told § 87(2)(b) to go to his room, which was located around a wall, up two small sets of stairs, and several doors down the length of a hallway. This hallway and § 87(2)(b)'s room door are not visible to a person standing in the shelter lobby (see **Board Review 13, 14, 15, and 16**). § 87(2)(b) walked out of the lobby and towards his room. Officers followed § 87(2)(b) out of the lobby and down the hallway towards his room. § 87(2)(b) and the officers returned to the lobby a few minutes later.

In his telephone statement, § 87(2)(b) estimated that approximately nine total law enforcement officers were involved in this incident. According to § 87(2)(b) all the officers followed § 87(2)(b) out of the lobby and into the residential area of the shelter.

In his sworn statement, § 87(2)(b) stated that § 87(2)(b) told him and § 87(2)(b) to go to their rooms, and that he would handle the situation with officers. § 87(2)(b) § 87(2)(b) walked down the hall towards his room, but when he reached the door he was unable to open it as it was locked from the outside. § 87(2)(b) believed that his roommate, who is elderly and does not hear well, was inside the locked room. § 87(2)(b) never opened the door or entered his room during his interaction with the police. The police never entered § 87(2)(b)'s room.

As § 87(2)(b) walked down the hall to his room and attempted to open it, all the officers initially stayed in the reception area. § 87(2)(b) stood at the door to his room for approximately five seconds before he saw the officers “speed walking” towards him. § 87(2)(b) followed the officers, saying that they could not pursue § 87(2)(b) § 87(2)(b) § 87(2)(b) also called out that § 87(2)(b) was not the person the officers were looking for. § 87(2)(b) did not hear § 87(2)(b) tell the officers that they did not have permission to walk further into the shelter or that they needed to leave. However, § 87(2)(b) did say “You cannot come in here and harass innocent people.”

The officer who had first stopped § 87(2)(b) with the suspect’s photograph (identified by the investigation as Police Officer Bates) approached him and “screamed” “I have a right to ask you to identify yourself. When you run, you make yourself look guilty.” § 87(2)(b) and § 87(2)(b) both then stated that § 87(2)(b) had not run from officers, but responded to § 87(2)(b)'s instruction to go to his room.

In his follow-up telephone statement, § 87(2)(b) confirmed that the officer who followed him down the hallway and “screamed” at him was the same officer who initially approached him and asked for his ID.

In his sworn statement, § 87(2)(b) explained the shelter’s entrance and security protocols to the investigation. Once a visitor is standing in the lobby by the metal detectors, they are not allowed to proceed further into the shelter without staff permission. The rest of the shelter is, by default, closed to the public. At the time of this statement, § 87(2)(b) had worked at the § 87(2)(b) for approximately one year. During that time, he had assisted police officers in looking for or apprehending a suspect at least 20 times. When a police officer visits the shelter to look for someone, they are required to identify themselves to shelter staff and explain who they are looking for. Usually, the shelter staff will then look for the suspect themselves to confirm they are in the shelter before the police take any further steps.

§ 87(2)(b) told § 87(2)(b) to go to his room and § 87(2)(b) walked out of the lobby and into the shelter’s residential area. All the officers followed him and went into the residential hallway. § 87(2)(b) did not want the officers to do this. He told them that they could not go down the hallway and asked them to come back into the lobby. Officers were explaining to § 87(2)(b) that he could not walk away from them because they were concerned that he might leave the building by going out a window. After approximately two minutes, the officers returned to the lobby area.

In his interview, Police Officer Bates stated that he stood on the small stair landing leading to the residential hallway as he spoke to § 87(2)(b). § 87(2)(b) then walked approximately twenty feet down the hallway away from Police Officer Bates. As he walked away, officers followed him. Police Officer Bates believed that officers followed § 87(2)(b) out of concern that he was the suspect they were looking for and that he might escape. Police Officer Bates was not concerned that § 87(2)(b) was going to go get a weapon. Police Officer Bates did not follow § 87(2)(b) himself, as he was still talking to shelter staff at the security booth to figure out if § 87(2)(b) was their suspect. Approximately one to two minutes later, § 87(2)(b) returned to the stair landing near the lobby.

In his interview, Sergeant Ventura initially stated that he did not follow § 87(2)(b) as he left the shelter lobby area. However, he later contradicted this statement (see below). At this point in the incident, § 87(2)(b)’s movements did not represent a safety concern to Sergeant Ventura. Sergeant Ventura was not worried that § 87(2)(b) was going to go get some form of contraband or a weapon. At this point, Sergeant Ventura believed that § 87(2)(b) was not the suspect the JAWS team was looking for because § 87(2)(b) told the officers that § 87(2)(b) was known to him as a shelter client and was not the suspect.

The two parole officers followed § 87(2)(b) out of the lobby area and down the shelter hallway. § 87(2)(b) argued with the parole officers, and Sergeant Ventura observed this argument himself. This argument lasted for approximately two minutes,

and prompted Sergeant Ventura to order the NYPD officers under his supervision to leave the shelter.

When officers seek to enter a homeless shelter, a staff member who controls a sign-in book and metal detector is authorized to consent to entries of the shelter by the officers People v. Robinson 300 A.D.2d 511 (2002) (**Board Review 17**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation E – Force: An officer hit § 87(2)(b) against a door.

Allegation F – Abuse of Authority: An officer refused to provide his name to § 87(2)(b)

Allegation G – Abuse of Authority: An officer refused to provide his shield number to § 87(2)(b)

Allegation H – Offensive Language: An officer made remarks to § 87(2)(b) based upon sexual orientation.

Allegation I – Offensive Language: An officer made remarks to § 87(2)(b) based upon gender identity.

Allegation J – Discourtesy: An officer spoke discourteously to § 87(2)(b)

In his telephone statement, § 87(2)(b) stated that as he tried to approach § 87(2)(b)'s room, two officers would not let him out of the staircase area. The officers had their hands blocking the door. § 87(2)(b) kept asking to get by, and then tried to forcibly push the door open. A short, black male officer with a bald head slammed the door on § 87(2)(b)'s toe. § 87(2)(b) “started hollering” that the door had hit him.

At an unspecified point or points in the incident, an officer or officers used homophobic and transphobic language towards § 87(2)(b). An officer said “Mind your business faggot. Get out of here, homo.” An officer told § 87(2)(b) “Go somewhere else with your gay ass.” In this telephone statement, § 87(2)(b) described himself as a transgender person and said that he dresses “like a woman.” § 87(2)(b) requested that he be referred to in written reports and communications by male pronouns.) In response to the officer’s or officers’ offensive comments, § 87(2)(b) said, “How dare you talk to me like that.”

In his sworn statement, § 87(2)(b) stated that § 87(2)(b) was inside of a stairwell located near the center junction of the “T”-shaped building. § 87(2)(b) became aware that § 87(2)(b) was inside of the stairwell because he heard banging coming from the stairwell, which turned out to be § 87(2)(b) banging on the door to the stairwell from the inside. § 87(2)(b) heard an approximately 5’8” tall white male in his 30s with a muscular build and either very short hair or a shaved head say something along the lines of “You’re not getting out of there.” This was the same officer who had initially approached § 87(2)(b) in the front doorway of the shelter.

At approximately this time, § 87(2)(b) heard somebody use the word “faggot.” § 87(2)(b) knew that he did not say it, but did not know who said it. § 87(2)(b) had previously heard § 87(2)(b) regularly use this term, including referring to himself, and emphasized that he did not know who said it or in what context it was used.

At approximately this point in the incident, the stairwell door apparently opened, because § 87(2)(b) heard it slam shut. § 87(2)(b) then began screaming “You slammed my foot in the door! I want your name and badge numbers!” As this was happening, the aforementioned white male officer was the only officer near the stairwell door. Because

he was the only officer near the stairwell door, § 87(2)(b) believed this officer slammed the door on § 87(2)(b)'s foot. An approximately 5'4" tall black female officer with a slightly heavy build then walked away from § 87(2)(b) and approached the stairwell door. She then told § 87(2)(b) "You're not getting shit."

In his follow-up telephone statement, § 87(2)(b) reiterated that the white male officer who first approached him near the shelter entrance was the same officer standing near the interior stairwell door when § 87(2)(b) was banging on it.

In his sworn statement, § 87(2)(b) stated that § 87(2)(b) was still involved in the incident when § 87(2)(b) walked to his room. § 87(2)(b) was "agitating the situation" by telling officers that what they were doing was not right and that they were harassing § 87(2)(b). § 87(2)(b) told § 87(2)(b) to leave the area and go back to his room, but he did not comply. § 87(2)(b) was cursing at this point, but § 87(2)(b) could not recall any specific statements. Officers did not argue with § 87(2)(b). However, an approximately 5'9" black male officer in his 40s, with a heavy build and a completely bald head, told § 87(2)(b) to back up as the situation did not involve him. When asked by the investigation whether an officer ever used a door to physically prevent § 87(2)(b) from approaching the incident, § 87(2)(b) said no and stated that he closed a stairwell door to limit § 87(2)(b) access. The door did not touch § 87(2)(b) and § 87(2)(b) never saw an officer slam a door into him. § 87(2)(b) never heard an officer call § 87(2)(b) a "faggot" or make any comments about his sexuality or gender expression.

During Police Officer Bates' interview, the investigation asked whether a civilian was ever restrained within the shelter's stairwell and Police Officer Bates initially answered, "Not that I remember, not that I saw, ah, that I had any part of." However, when the investigation described § 87(2)(b) reportedly approaching officers, arguing with them, and being held behind a stairwell door, Police Officer Bates acknowledged that this occurred. Police Officer Bates stated that the two parole officers took this action because § 87(2)(b) was "screaming" at the officers as they investigated § 87(2)(b). Police Officer Bates heard the stairwell door slam multiple times, but did not know whether it ever slammed on to § 87(2)(b) body. Police Officer Bates did not hear § 87(2)(b) call out in pain or announce that he had been hit with the door, and he had no reason to believe that the door ever hit § 87(2)(b) as opposed to the door frame. Police Officer Bates denied hearing § 87(2)(b) ask officers for their names or shield numbers while he was behind the stairwell door. Police Officer Bates denied ever telling § 87(2)(b) "You're not getting shit" or hearing another officer do so.

In his interview, Police Officer Bates stated that two parole officers accompanied his NYPD team during this incident. These officers were Parole Officer Kim, an approximately 5'5" black female in her late 30s with a "stocky" build, and Parole Officer Payton, an approximately 5'10" black male in his late 40s with a heavy build.

In his interview, Sergeant Ventura stated that the two parole officers followed § 87(2)(b) out of the lobby area and down the shelter hallway. § 87(2)(b) argued with the parole officers, and Sergeant Ventura observed this argument himself. § 87(2)(b)

“went back and forth” with Parole Officer Richardson, and called her a “project nigger bitch.” Sergeant Ventura was not involved in this argument, and none of the other NYPD officers were either. This argument lasted for approximately two minutes, and prompted Sergeant Ventura to order the NYPD officers under his supervision to leave the shelter.

During this time, Parole Officer Payton “detained” a transgendered person so they would not “interfere” with the argument between § 87(2)(b) and Parole Officer Richardson. The transgendered person called Parole Officer Payton “a nigger” and Parole Officer Payton responded. The two people “went back and forth,” and while Sergeant Ventura could not recall any specific statements that Parole Officer Payton made, he described the parole officer’s demeanor as “more professional” than the transgendered civilian’s. Sergeant Ventura could not recall whether Parole Officer Payton ever used the word “fag” or “faggot” towards the civilian, but denied saying it himself or hearing any NYPD officer say it. Parole Officer Payton held a stairwell door shut to physically block the transgendered person from interfering with the incident. No other law enforcement officer assisted him in doing so, including Sergeant Ventura.

In his interview, Sergeant Ventura stated that two parole officers accompanied his NYPD team during this incident. Parole Officer Richardson was a short, black female in her 30s with short hair. Parole Officer Payton was a black male in his early 50s with a “slightly heavy” build.

Through a combination of officer statements and NYPD documents, the investigation determined that Detective Michael Sinclair, Detective Joseph McCrain, Police Officer Daniel Pelan, and Detective Peter Rivera of the Queens Warrant Squad accompanied Police Officer Bates and Sergeant Ventura to the shelter. According to their NYPD MOS photographs (**Board Review 18**), these six officers have the following basic physical descriptions. Police Officer Bates is a 6’0” tall white male, age 34, with an average build and blonde hair. Sergeant Ventura is a 5’7” tall white male, age 52, with an average build and black hair. Detective Sinclair is a 5’9” tall black male, age 48, with an average build and a completely bald head. Detective McCrain is a 5’11” tall white male, age 30, with a heavy build and brown hair. Police Officer Pelan is a 6’4” tall white male, age 28, with an average build and brown hair. Detective Pelan is a 5’6” tall Hispanic male, age 31, with an average build and brown hair.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is § 87(2)(b) s first CCRB complaint (**Board Review 19**).
- § 87(2)(b) s has been party to one prior CCRB complaint and has been named as a victim in one prior allegation (**Board Review 20**).
 - § 87(2)(b) [REDACTED]
- This is § 87(2)(b) s first CCRB complaint (**Board Review 21**).
- Police Officer Bates has been a member of service for seven years and has been a subject in two other CCRB complaints and six other allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- Sergeant Ventura has been a member of service for 26 years and has been a subject in six other CCRB complaints and seven other allegations, none of which were substantiated. § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Office, and the results will be added to the case file upon receipt.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 10

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date